## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

State Farm Mutual Automobile Insurance ) Company and State Farm Fire and Casualty ) Company, )	Case No. 1:21-cv-05523-MKB-PK
Plaintiffs, )	PLAINTIFFS' NOTICE OF
	MOTION TO DISMISS
v. )	<b>DEFENDANTS'</b>
	COUNTERCLAIMS
Metro Pain Specialists, P.C. et al.,	
)	
Defendants.	

PLEASE TAKE NOTICE that upon the attached Memorandum of Law in Support of Plaintiffs' Motion to Dismiss Defendants' Counterclaims, dated February 5, 2024, and upon all prior pleadings and proceedings had herein, Plaintiffs State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company ("State Farm") moves this Court before the Honorable Margo K. Brodie, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, to dismiss the Counterclaims of Defendants Metro Pain Specialists P.C., Leonid Shapiro, M.D., Tri-Borough NY Medical Practice, P.C., Vadim Dolsky, and Optimum Health Acupuncture, P.C., ECF 400; ECF 489, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: February 5, 2024 KATTEN MUCHIN ROSENMAN LLP

By: /s/ Jonathan L. Marks

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## **CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing Notice of Motion to Dismiss Defendants' Counterclaims on the following counsel of record by email:

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